

**MINUTES
CORRECTIONS STANDARDS AUTHORITY MEETING
THURSDAY, JULY 14, 2011
600 BERCUT DRIVE
SACRAMENTO, CA 95811
(916) 445-5073**

Teleconference meeting held at: 1515 S Street, Room 502-S, Sacramento, CA 95814

Remote Teleconference Participation Sites:

465 S. Washington Street
Sonora, CA 95370

4241 Williamsborough Drive
Sacramento, CA 95823

130 W. Bruno Street
Los Angeles, CA 90012

9621 Ridgehaven Court
San Diego, CA 92123

4438 Ingraham Street
San Diego, CA 92109

333 West Santa Ana Boulevard
Santa Ana, CA 92701

4700 Ramona Boulevard
Monterey Park, CA 91754

The meeting was called to order at 10:08 a.m.

Mr. Kernan welcomed the Board Members to the July 14, 2011 Corrections Standards Authority (CSA) meeting.

Ms. Pargas called roll.

The following members were in attendance:

Mr. Kernan
Ms. Rios
Ms. Silva

Ms. Minor
Mr. Baca
Ms. Arnold

Ms. Biondi
Ms. Campbell
Ms. McBrayer

Mr. Ingrassia
Ms. Mello

ABSENCE OF BOARD MEMBERS

There was a quorum.

CONSENT AGENDA ITEMS

APPROVAL OF THE MINUTES OF THE MAY 12, 2011 MEETING (AGENDA ITEM A)

MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES 2011 ADULT TITLES
15 AND 24 REGULATIONS REVISION PROCESS APPROVAL OF PROPOSED CHANGES
(AGENDA ITEM B)

TITLE II REQUEST FOR PROPOSALS (RFP) INVITATIONS AND RELEASE
(AGENDA ITEM C)

PO CORE REVISION PROJECT UPDATE (AGENDA ITEM D)

AB 900 PHASE I MATCH REDUCTIONS (AGENDA ITEM E)

AB 900 PHASE II REQUEST FOR PROPOSALS – EXECUTIVE STEERING COMMITTEE
(AGENDA ITEM F)

Mr. Kernan asked for a motion to accept the consent calendar agenda items A, B, C, D, E, and F.

**A motion to approve the Consent Calendar was made by Ms. Campbell and
seconded by Ms. Arnold. The motion carried.**

There was no public comment.

DISCUSSION AGENDA ITEMS:

SAN LEANDRO POLICE DEPARTMENT WAIVER REQUEST (AGENDA ITEM G)

This agenda item was presented by Evonne Garner. San Leandro Police Department requested a waiver of the STC policy that requires that an agency be precluded from participation in the STC program for one year following a third year of non-compliance with STC standards. In addition, it requested the reversal of the Board decision of non-compliance status for the 2009-10 and 2010-11 fiscal years.

Participation in the STC program requires that agencies adhere to STC's selection and training standards. STC annually monitors compliance with those standards and makes a determination of either full compliance, substantial compliance, or non-compliance.

A review of the 2010-11 fiscal year, found that San Leandro Police Department is out of compliance for a third consecutive year and, in accordance with policy, ineligible to participate in the STC program for the 2011-12 fiscal year. This is the first time in the history of the STC program that a participating agency has reached a third year of non-compliance and the first time this policy may be enforced.

The history of non-compliance includes: In 2008-09, nine staff members were found to be out of compliance with the annual training regulation, and two staff members were found to be out of

compliance with the core training regulation. In 2009-10, one staff member was found to be out of compliance with the regulation that requires core training to be completed within one year of hire. In addition, this staff member did not meet any of the exclusions defined by policy. In 2010-11, one staff member was found to be out of compliance with the regulation that requires core training to be completed within one year of hire. Additionally, this staff member did not meet any of the exclusions defined by policy.

This request came before the Board because only the Board has the authority to waive policy or procedure. Regulation 104 of the Title 15 states that *“A county or city, which, despite good faith efforts in the administration of its program, is unable to fully meet the requirements set forth in these regulations, may apply for a waiver under Section 104 of these regulations.”*

Regulation Section 104(a) further clarifies that regulation by stating that *“Within statutory limits, the Board may grant a waiver from any standards or program requirements for good and sufficient reason. Such a waiver may be granted only upon written application from the local department seeking the waiver.”*

While this regulation gives the Board the authority to waive policy, the Board does not have the ability to set aside regulation which has the effect of law. In relation to this request, it is policy that precludes San Leandro’s participation in the STC program following a third year of non compliance – and can be waived by the Board. But it is regulation that requires completion of core training within one year of hire that led to the compliance findings – and cannot be waived by the Board.

It was noted that in the 21 years that the San Leandro Police Department has participated in the STC program, there has only been one other year of non-compliance – in addition to those presented. In addition, San Leandro Police Department hired a new Police Chief in January of this year. Since that time, both employees that prompted the non-compliance findings of 2009-10 and 2010-11 have been trained and all other employees are fully compliant.

Staff recommended that the Board issue a decision regarding San Leandro Police Department’s request to waive the policy that prohibits an agency from participating in the STC program for one year following a third consecutive year of non-compliance and reverse the Board decision of non-compliance status for fiscal years 2009-10 and 2010-11.

Captain Pete Ballew and STC Coordinator, Norma Gardoa, were in attendance representing San Leandro Police Department.

Mr. Ballou stated that they appreciate the efforts of STC and are committed to training their employees. Some of the circumstances preventing them from meeting their STC requirements were out of their control while others were not. Staff pregnancies, planned vacations, and class cancellations were noted as being some of the reasons staff were not able to attend the required training.

A motion to approve the waiver to the policy that precludes participation after a third year of non-compliance but deny the reversal of the compliance findings and require a probationary period during which all STC

requirements for the 2011/2012 year be met was made by Ms. McBrayer and seconded by Ms. Campbell. The motion carried.

Ms. Mello opposed the vote.

There was no public comment.

PUBLIC COMMENT

(AGENDA ITEM H)

Tommy Escarcega, from Get Out the Jail Vote, asked address the Board regarding a suggested change to the Adult Title 15 Regulations.

Mr. Kernan stated that he understood that Ms. Escarcega had a chance to attend the committee meeting during the regulation revision process and that she would have another chance to submit her comments during the public comment hearing through the Administrative Law process.

Ms. Escarcega asked to submit the suggested regulation changes to the Board. She also read a portion of the letter written by her to Secretary Cate which asked the Board to consider establishing minimum statewide regulations and standards providing clear, explicit direction and consistent compliance of the California Constitution and California Elections Code to ensure the ability to persons in custody to register to vote, and to vote.

There were no questions from the Board or comments from the public.

Meeting adjourned at 10:35 a.m.

Next meeting: Thursday, September 8, 2011 at 1:00 p.m. in Sacramento, CA.

Respectfully submitted,

Originally signed by

ROSA PARGAS
Secretary
Corrections Standards Authority

ROSTER OF PERSONS IN ATTENDANCE

CSA Board Members

Mr. Kernan, Undersecretary, CDCR
Ms. Rios, Chief Deputy Secretary, Juvenile Justice, CDCR
Ms. Silva, Administrator, Juvenile Justice, CDCR

Ms. Minor, Chief, Division of Adult Programs, CDCR
Mr. Baca, Los Angeles County Sheriff's Department
Ms. Arnold, Tuolumne County Probation Department
Ms. Biondi, Public Member
Ms. Campbell, Public Member
Ms. McBrayer, The Children's Initiative
Mr. Ingrassia, San Diego County Sheriff's Department
Ms. Mello, Correctional Officer, CDCR

CSA Staff

Debbie A. Rives, Executive Director (A)
Rosa Pargas, Secretary
Robert Takeshta, Deputy Director, CFC
Gary Wion, Deputy Director, FSO
Evonne Garner, Deputy Director (A), STC
Leslie Heller, Field Representative, CFC
Allison Ganter, Field Representative, FSO
Shaline Hunter, Field Representative, CPP
Helene Zentner, Field Representative, CPP
Tara Houston, Attorney, CDCR Legal